

Report of:	Head of Housing & Partnerships
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Key Decision:	Yes
Report Track:	Cabinet: 05/08/21

Cabinet
5 August 2021
Public Space Protection Orders (Alcohol Restriction Zones)

1 Purpose of Report

- 1.1 To seek Cabinet approval for the introduction of Public Space Protection Orders (PSPOs) in Cannock Chase District, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.

2 Recommendation(s)

- 2.1 That Cabinet approves the proposals for the implementation of five PSPOs (Alcohol Restriction Zones) in the district, as set out in Appendix 1, for the full three-year period.

3 Key Issues and Reasons for Recommendations

Key Issues

- 3.1 Anti-social behaviour (ASB) linked to street drinking in parks and town centres across the district has been an historic issue for the locality.
- 3.2 In October 2017 Designated Public Place Orders (DPPOs) in the Cannock Chase District were superseded by PSPOs [Alcohol Restriction Zones] via transitional provision under the Anti-Social Behaviour, Crime and Policing Act 2014. The transitional PSPOs expired on 20 October 2020.
- 3.3 Prior to, and after PSPO expiration, a pilot scheme was implemented whereby other tools and powers were utilised in an attempt to prevent ASB; namely by targeting specific individuals by way of Community Protection Notices (CPNs). However, this was deemed as a less effective solution to the issue and a reintroduction of PSPOs has therefore been viewed as a preferred option.

Reasons for Recommendations

- 3.4 This proposal aims to reintroduce five PSPOs to reduce alcohol consumption in town centres and parks across the district where current and historic behaviours have led to ASB, crime and disorder. It will also help to protect vulnerable individuals. The PSPOs would cover areas (outside of licensed premises, as described in 5.4) in Cannock town centre & park, Hednesford town centre and park, Rugeley town centre, Fernwood area and Ravenhill park. Initial proposed maps, which mirror previous DPPOs/PSPOs, are set in appendix 1.

4 Relationship to Corporate Priorities

- 4.1 This report supports the Council's Corporate Priorities as follows:

Improving community wellbeing, by;

- i) Sustaining safe and secure communities,
- ii) Promoting attractive and healthy environments,
- iii) Working with Staffordshire Police and other agencies to address crime and anti-social behaviour in the district,
- iv) Making safe, welcoming, and clean spaces for people to live and visit.

5 Report Detail

- 5.1 The Anti-social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by councils and their partners to address anti-social behaviour in their local areas. Public Space Protection Orders (PSPOs) are included within this Act and are aimed at ensuring public spaces can be enjoyed free from the ASB and persistent issues that are damaging their communities. Councils can use PSPOs to prohibit specified activities within a defined public area so long as certain legal tests are met. Namely, if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality,
- is, or is likely to be, persistent and continuing in nature,
- is, or is likely to be unreasonable,
- justifies the restrictions imposed.

- 5.2 A working group was established with membership from Environmental Health, Community Safety and Staffordshire Police, with the aim of determining the above and following points:

- Review the incidence and nature of problem behaviour(s) in Cannock Chase District,

- Review the use/success of current/previous tools in reducing incidences of these behaviours.
- 5.2.1 After discussions, it was agreed that the presenting behaviours ensured all tests listed in 5.1 and 5.2 were met.
- 5.2.2 Street drinking is leading to unsatisfactory levels of ASB within the locality, which in turn is making areas of the district unsavoury to frequent. 22 CPNs had been issued in the preceding twelve months and there were daily reports from CCTV operators during certain periods of the year regarding ASB linked to street drinking, in addition to regular Community Safety Hub referrals. It is recognised that there is a hardcore group of street drinkers creating ASB and that a PSPO would provide a strong tool for dealing with the associated behaviours effectively. There is also increasing evidence as highlighted through the Community Safety Hub linking drinking in parks to Child Sexual Exploitation, County Lines, risk taking behaviour and wider criminality.
- 5.2.3 In relation to safe policing of the night-time economy, a PSPO would be preventative in nature as it would allow for the removal of alcohol from those drinking in the street and would encourage them to drink within the controlled environment of a licenced premises, thus preventing the possibility of ASB and violence outside of licensed premises.
- 5.2.4 It was determined that one of the main advantages of PSPOs over the pilot exercise of CPNs is the immediacy with which a situation can be dealt with and often deescalated. The issue can be dealt with at the time, reducing the risk of further or escalating issues. The CPN route has a lengthy Criminal Justice element in its issuing and although they can be an effective tool, they do not deal with the matter that the officer is immediately presented with. The PSPOs would allow for the dynamic dealing of street drinking during the daytime and the de-escalation of potential violence during the night time.
- 5.3 It is proposed that the PSPOs would provide police with powers to require any person to stop drinking and surrender alcohol if they are causing or likely to cause anti-social behaviour. The proposed PSPOs are not, therefore, a total ban on drinking alcohol and the powers do not intend to disrupt peaceful activities, for example, families having a picnic in a park with a glass of wine. However, it would be an offence to fail to comply with a request to cease drinking or surrender alcohol in a designated area and a fine of up to £1,000 can be imposed upon conviction in the Magistrates' Court.
- 5.4 The alcohol restrictions would not apply if within the curtilage of a licensed premises (i.e. a licensed bar, restaurant, shop, off license or marquee licensed with a Temporary Events Notice, as a one-off event).
- 5.5 The maximum duration of a PSPO is three years and at any point before expiry the Local Authority can extend or vary a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring or if there is a need to alter/remove an existing prohibition or requirement, or to introduce a new one. The validity of a PSPO may be challenged by way of application to the High Court within six weeks of the order being made. Only those

who are directly affected by the restrictions (i.e. persons who live in the restricted area or regularly work or live there) are able to challenge the PSPO.

- 5.6 If approved at Cabinet, Legal Services will draft an order and formal consultation must take place before a new PSPO is implemented. Legal Services recommended to have the proposals agreed by Cabinet first, and then have a draft order drawn before going to consultation. This consultation would go to all relevant bodies/organisations (e.g. County Council, Parish Councils, Police etc). and it will also need to be published on CCDCs website. This would be for a period of 4 – 6 weeks. If any objections are received, then they will need to be considered and the draft order amended if necessary.
- 5.7 Once the final order is made it needs to go on the website (permanently for the 3 year period it is in force). Also, appropriate signage will need erecting within the areas affected.

6 Implications

6.1 Financial

Existing resources will be utilised. Partnership Officers and officers from Communications will assist with consultation and details of the proposed order. Staffordshire Police will be required to assist in the enforcement of the PSPOs. There will be some additional costs in terms of new signage and any advertising via local media.

6.2 Legal

Legal have been, and will continue to be, consulted with for advice on the wording and details of the proposed order.

6.3 Human Resources

None

6.4 Risk Management

None

6.5 Equality & Diversity

None

6.6 Climate Change

None

7 Appendices to the Report

Appendix 1: Cannock Town Centre and Park

Appendix 2: Hednesford Town Centre and Park

Appendix 3: Rugeley Town Centre

Appendix 4: Rugeley – Fernwood Area

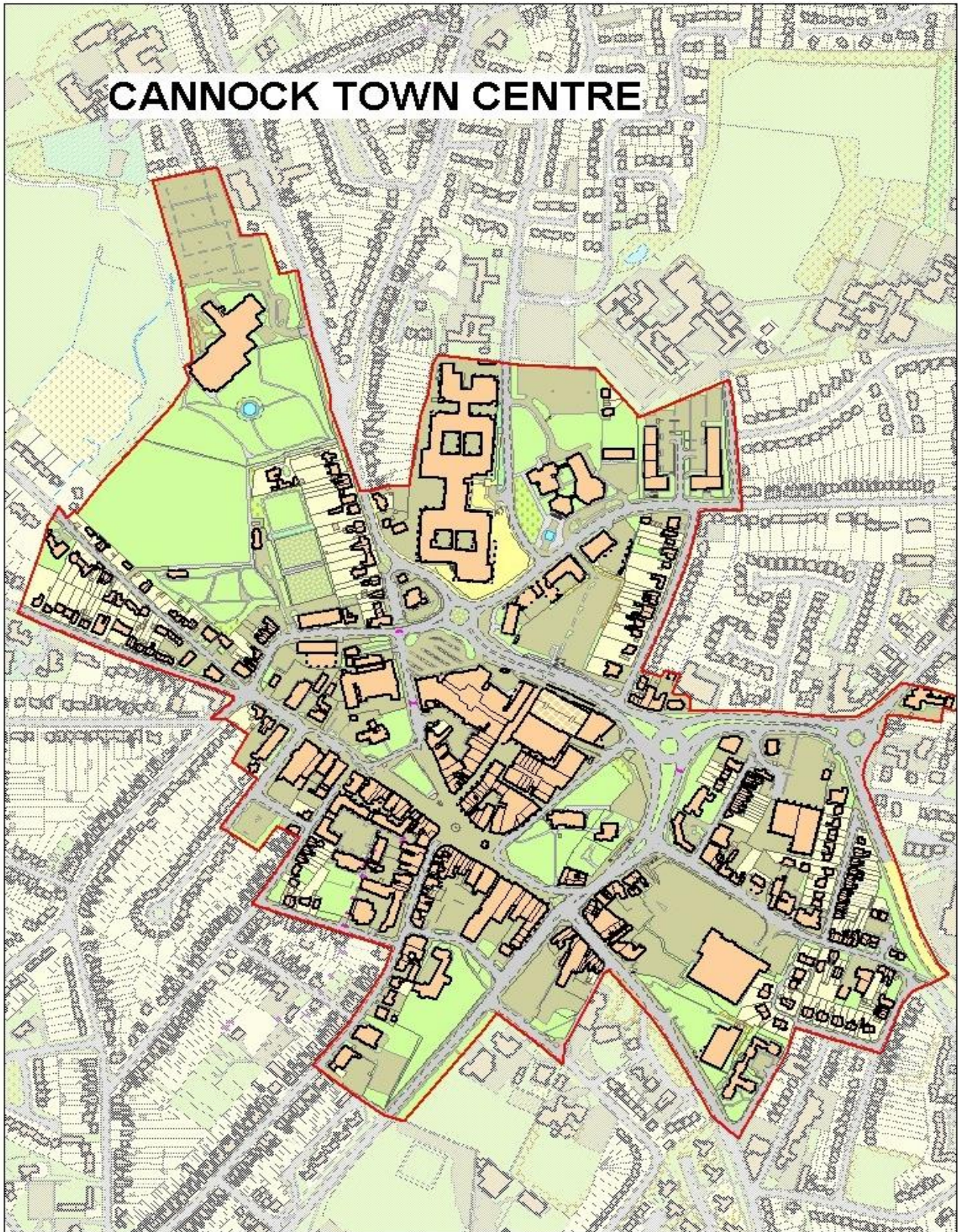
Appendix 5: Brereton – Ravenhill Park

Previous Consideration

None

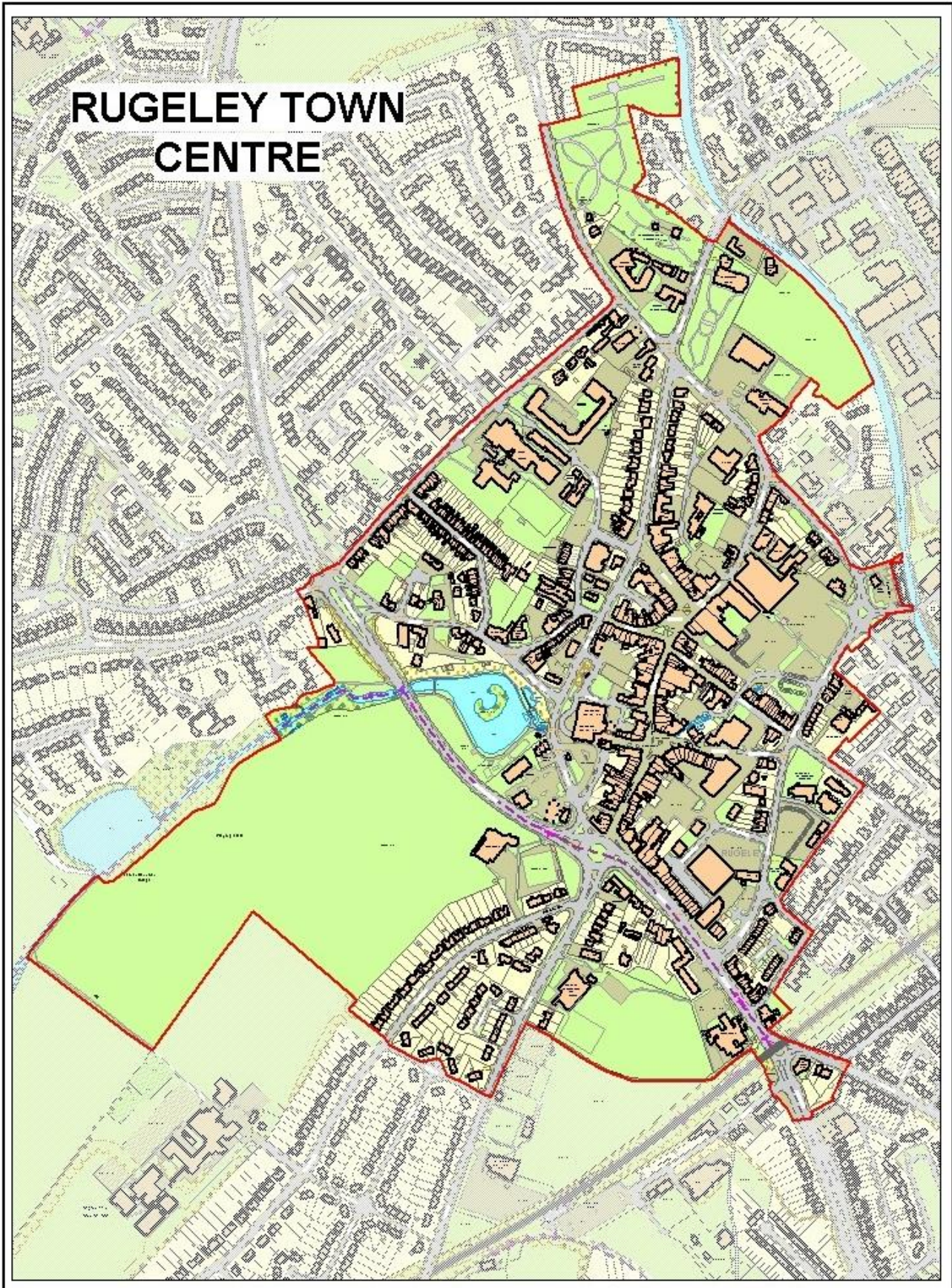
Background Papers

None



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